SINGLE BENCH

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(CHHATTISGARH)

W.P.(C) No. 08 Of 2007

PETITIONER :- Bhawani Shanker Panigrahi, son of Late Chandra Shekhar Panigrahi, aged about 43 years, resident of Qr. No. 1/A.N.P.A., Sector-4, Permanent resident of Shanker Vilas Hotel, Setor-4 "A" Market, Bhilai, District Durg(Chhattisgarh).

P.R. No. 7735/06
Presented by Shri J.K. Gupta
dated 21/12/06

VERSUS

RESPONDENTS :- 1. Gulab Singh, son of Shitla Prasad Singh, resident of Qr. No. 1/B, N.P.A., Sector-4, Bhilai Nagar, Tahsil and District Durg (C.G.),

PLAINTIFF.

2. Steel Authority of India Ltd., Bhilai Steel Plant, Through Managing Director, Bhilai Steel Plant, Ispat Bhawan, Bhilai, Tahsil and District Durg (Chhattisgarh),
3. Bhilai Steel Plant, Through Official Director (Administration and Personnel), Bhilai Steel Plant, Bhilai, Tahsil and District Durg (Chhattisgarh),
4. Bhilai Steel Plant, Through Town Administrator Lease (Town

Administration), Town Administration Building, Indira Place, Civic Center, Bhilai, Tahsil and District Durg (Chhattisgarh).

DEFENDANT NO. 2 TO 4.

PETITION UNDER ARTICLE 227 OF CONSTITUTION OF INDIA

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP(C).81/07 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

18.1.2007:

Shri H.B. Agrawal learned Sr. Counsel with Shri Pankaj Agrawal for the petitioner.

The petitioner has impugned the order of Annexure P-5 by which the application of the defendants filed under Order 26 Rule 9 of the CPC for spot inspection has been rejected.

Learned counsel for the petitioner submits that unless spot is got inspected and Commissioner's report is obtained with respect to the situation that exists, the suit cannot be decided. Therefore, application of the petitioner for appointment of the Commissioner under Order 26 Rule 9 of the CPC ought to have been allowed. However, the Court below has rejected the same by the impugned order.

I have heard counsel for the petitioner and perused the impugned order.

The Court below has rightly observed that the parties are at liberty to adduce evidence and prove their case. Thus there is no illegality in the impugned order which calls for interference from this Court under Article 227 of the Constitution of India. Accordingly, the petition is dismissed.

Sd/-
Dhirendra Mishra
Judge

P.T.O.